

Minutes of the Town Board Meeting of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Tuesday, April 19, 1977 at 7:30 P.M.

Present: Allen M. Smith, Supervisor
George G. Young, Councilman
Francis E. Menendez, Councilman
John Lombardi, Councilman
Jessie Tomlinson, Councilwoman

Also present: Peter S. Danowski, Jr., Town Attorney
Alex E. Horton, Supt. of Highways

Supervisor Smith called the Meeting to order at 7:30 P.M. and the Pledge of Allegiance was recited.

Supervisor Smith: "Ladies and Gentlemen we have present the various Department Heads and should occasion arise during the evening when you have a question of any of them, we will see if they can give you the answer. If the answer is not forth coming immediately, we will attempt to find the answer and get it to you.

There are a couple of preliminary matters that Dr. Menendez and I wish to discuss with you but we'll pick those up in a moment."

BOARD OF AUDIT

The Town Board convened as a Board of Audit and examined the following bills submitted on Abstract dated April 19, 1977:

General Town	\$17,930.19
Highway Item #1	\$ 5,355.05
Highway Item #3	\$22,871.17
Highway Item #4	\$ 216.92
Town Hall Capital	\$ 5,437.25
Community Development	\$ 2,038.72
Special Districts	\$12,415.71

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

BE IT RESOLVED, That the following bills submitted on Abstract dated April 19, 1977, be approved for payment:

General Town	\$17,930.19
Highway Item #1	\$ 5,355.05
Highway Item #3	\$22,871.17
Highway Item #4	\$ 216.92
Town Hall Capital	\$ 5,437.25
Community Development	\$ 2,038.72
Special Districts	\$12,415.71

RESOLUTION - continued

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

REPORTS

Tax Receiver's dated: April 11, 1977

Recreation Department, month of March, 1977

Appraisal on Lands of Robert Bear by Edwin Fishel Tuccio

Summons - John Caruso, 95 Cedar Street, Calverton vs. Town of Riverhead - damages to boat in the amount of \$462.68. Filed. Referred to Town Attorney.

OPEN BID REPORT - TWO (2) NEW 1977 THREE-QUARTER TON PICKUP TRUCKS - HIGHWAY DEPARTMENT

After being duly advertised the following bids for Two (2) New 1977 Three-Quarter Ton Pickup Trucks for the Highway Department were opened by the Town Clerk on Monday, April 18, 1977 at 11:00 A.M.

J. J. HART'S RIVERHEAD FORD, INC.

Route 58 & Osborne Avenue

Riverhead, New York 11901

Minimum GVW - 6,800 lbs.

DELIVERED PRICE OF TWO (2) 3/4 TON PICKUP TRUCKS: \$10,699.00

LESS TRADE-INS: TWO USED 1974 CHEVROLET K20 PICKUP TRUCKS-FOUR WHEEL DRIVE: \$ 5,300.00

NET DELIVERED PRICE FOR TWO (2) NEW 1977 PICKUP TRUCKS: \$ 5,399.00

YEAR 1977 MAKE F250 444 MODEL FORD

Filed.

KINNEY CHEVROLET - OLDS., INC.

E. Main Street on Route 25

Riverhead, New York 11901

Minimum GVW - 6,800 lbs.

DELIVERED PRICE OF TWO (2) 3/4 TON PICKUP TRUCKS: \$10,530.00

LESS TRADE-INS: TWO USED 1974 CHEVROLET K20 PICKUP TRUCKS-FOUR WHEEL DRIVE: \$ 4,950.00

NET DELIVERED PRICE FOR TWO (2) NEW 1977 PICKUP TRUCKS: \$ 5,580.00

YEAR 1977 MAKE CHEVROLET MODEL CK20903 3/4 4wd..pv.

Filed.

OPEN BID REPORTS - continuedOPEN BID REPORT - TWO (2) NEW 1977 THREE-QUARTER TON
PICKUP TRUCKS - HIGHWAY DEPARTMENT

OTIS FORD, INC.

Montauk Highway

Quogue, New York 11959

Minimum GVW - ~~6,800-lbs.~~ 7,500 GVW PackageDELIVERED PRICE OF TWO (2) 3/4 TON PICKUP TRUCKS: \$11,101.00LESS TRADE-INS: TWO USED 1974 CHEVROLET K20 PICKUP
TRUCKS-FOUR WHEEL DRIVE: \$ 3,800.00NET DELIVERED PRICE FOR TWO (2) NEW 1977 PICKUP
TRUCKS: \$ 7,301.00YEAR 1977 MAKE FORD MODEL F250 3/4 TonFiled.OPEN BID REPORT - ONE (1) NEW 1977 ONE-HALF TON PICKUP
TRUCK - HIGHWAY DEPARTMENT

After being duly advertised the following bids for
One (1) New 1977 One-half Ton Pickup Truck for the Highway
Department were opened by the Town Clerk on Monday, April
18, 1977 at 11:00 A.M.

J. J. HART'S RIVERHEAD FORD, INC.

Route 58 & Osborne Avenue

Riverhead, New York 11901

DELIVERED PRICE OF ONE (1) NEW 1977 1/2 TON PICKUP
TRUCK: \$3,774.00LESS TRADE-IN: ONE USED 1972 CID PICKUP TRUCK - 2 -
WHEEL DRIVE: \$1,200.00NET DELIVERED PRICE FOR ONE (1) NEW 1977 PICKUP
TRUCK: \$2,574.00YEAR 1977 MAKE FORD MODEL F100Filed.

OTIS FORD, INC.

Montauk Highway

Quogue, New York 11959

DELIVERED PRICE OF ONE (1) NEW 1977 1/2 TON PICKUP
TRUCK: \$3,894.00LESS TRADE-IN: ONE USED 1972 CID PICKUP TRUCK - 2 -
WHEEL DRIVE: \$1,200.00NET DELIVERED PRICE FOR ONE (1) NEW 1977 PICKUP
TRUCK: \$2,750.00

OPEN BID REPORTS - continuedOPEN BID REPORT - LIQUID ASPHALT - HIGHWAY DEPARTMENT

Item #3: Liquid asphalt cutback
picked up at plant of successful
bidder as required by the Super-
intendent of Highways.

MC-30	<u>.3948</u>	PER/GAL.
MC-70	<u>.3948</u>	PER/GAL.
MC-250	<u>.3948</u>	PER/GAL.
MC-800	<u>.3948</u>	PER/GAL.
RC-70	<u>.3848</u>	PER/GAL.
RC-250	<u>.40</u>	PER/GAL.
RC-800	<u>.40</u>	PER/GAL.

Filed.

GEORGE E. CSABON & SONS, INC.
Stiriz Road
Bellport, New York 11713

LOCATION OF PLANT: Bellport, New York 11713

DISTANCE OF PLANT 22 MILES FROM RIVERHEAD HIGHWAY DEPARTMENT YARD

Item #1: Liquid asphalt cutback
supplied in quantities at various
locations within the Township as
directed by the Superintendent of
Highways.

Item #2: Liquid asphalt cutback
supplied and applied with bidder's
distributor at various locations
within the Township as directed
by the Superintendent of Highways.

MC-30	<u>.4389</u>	PER/GAL.	MC-30	<u>.4875</u>	PER/GAL.
MC-70	<u>.4389</u>	PER/GAL.	MC-70	<u>.4875</u>	PER/GAL.
MC-250	<u>.4389</u>	PER/GAL.	MC-250	<u>.4875</u>	PER/GAL.
MC-800	<u>.4389</u>	PER/GAL.	MC-800	<u>.4875</u>	PER/GAL.
RC-70	<u>.4389</u>	PER/GAL.	RC-70	<u>.4875</u>	PER/GAL.
RC-250	<u>.4389</u>	PER/GAL.	RC-250	<u>.4875</u>	PER/GAL.
RC-800	<u>.4389</u>	PER/GAL.	RC-800	<u>.4875</u>	PER/GAL.

OPEN BID REPORTS - continuedOPEN BID REPORT - LIQUID ASPHALT - HIGHWAY DEPARTMENT

Item #3: Liquid asphalt cutback
picked up at plant of successful
bidder as required by the Super-
intendent of Highways.

MC-30	<u>.4675</u>	<u>PER/GAL.</u>
MC-70	<u>.4675</u>	<u>PER/GAL.</u>
MC-250	<u>.4675</u>	<u>PER/GAL.</u>
MC-800	<u>.4675</u>	<u>PER/GAL.</u>
RC-70	<u>.4675</u>	<u>PER/GAL.</u>
RC-250	<u>.4675</u>	<u>PER/GAL.</u>
RC-800	<u>.4675</u>	<u>PER/GAL.</u>

Filed.

R. LANSDELL BITUMINOUS CORP.
Box 238, Old Northport Road
Smithtown, New York 11787

LOCATION OF PLANT: Old Northport Road, Kings Park, New York

DISTANCE OF PLANT 41 MILES FROM RIVERHEAD HIGHWAY DEPARTMENT YARD

Item #1: Liquid asphalt cutback
supplied in quantities at various
locations within the Township as
directed by the Superintendent of
Highways.

Item #2: Liquid asphalt cutback
supplied and applied with bidder's
distributor at various locations
within the Township as directed
by the Superintendent of Highways

MC-30	<u>\$.4228</u>	<u>PER/GAL.</u>
MC-70	<u>\$.4228</u>	<u>PER/GAL.</u>
MC-250	<u>\$.4278</u>	<u>PER/GAL.</u>
MC-800	<u>\$.4428</u>	<u>PER/GAL.</u>
RC-70	<u>\$.4228</u>	<u>PER/GAL.</u>
RC-250	<u>\$.4278</u>	<u>PER/GAL.</u>
RC-800	<u>\$.4428</u>	<u>PER/GAL.</u>

MC-30	<u>\$.4824</u>	<u>PER/GAL.</u>
MC-70	<u>\$.4824</u>	<u>PER/GAL.</u>
MC-250	<u>\$.4924</u>	<u>PER/GAL.</u>
MC-800	<u>\$.5274</u>	<u>PER/GAL.</u>
RC-70	<u>\$.4824</u>	<u>PER/GAL.</u>
RC-250	<u>\$.4924</u>	<u>PER/GAL.</u>
RC-800	<u>\$.5274</u>	<u>PER/GAL.</u>

OPEN BID REPORTS - continuedOPEN BID REPORT - LIQUID ASPHALT - HIGHWAY DEPARTMENT

Item #3: Liquid asphalt cutback
picked up at plant of successful
bidder as required by the Super-
intendent of Highways.

MC-30	\$.392	PER/GAL.
MC-70	\$.392	PER/GAL.
MC-250	\$.397	PER/GAL.
MC-800	\$.427	PER/GAL.
RC-70	\$.392	PER/GAL.
RC-250	\$.397	PER/GAL.
RC-800	\$.427	PER/GAL.

Filed.

ASPHALTS, INC.
Naugles Drive
Mattituck, New York 11952

LOCATION OF PLANT: Mattituck Inlet

DISTANCE OF PLANT 5 MILES FROM RIVERHEAD HIGHWAY DEPARTMENT YARD

Item #1: Liquid asphalt cutback
supplied in quantities at various
locations within the Township as
directed by the Superintendent of
Highways.

Item #2: Liquid asphalt cutback
supplied and applied with bidder's
distributor at various locations
within the Township as directed
by the Superintendent of Highways

MC-30	PER/GAL.
MC-70	PER/GAL.
MC-250	.42 PER/GAL.
MC-800	PER/GAL.
RC-70	PER/GAL.
RC-250	.42 PER/GAL.
RC-800	PER/GAL.

MC-30	PER/GAL.
MC-70	PER/GAL.
MC-250	.51 PER/GAL.
MC-800	PER/GAL.
RC-70	PER/GAL.
RC-250	.51 PER/GAL.
RC-800	PER/GAL.

OPEN BID REPORTS - continuedOPEN BID REPORTS - LIQUID ASPHALT - HIGHWAY DEPARTMENT

Item #3: Liquid asphalt cutback
picked up at plant of successful
bidder as required by the Super-
intendent of Highways.

MC-30 _____ PER/GAL.

MC-70 _____ PER/GAL.

MC-250 _____ .41 _____ PER/GAL.

MC-800 _____ PER/GAL.

RC-70 _____ PER/GAL.

RC-250 _____ .41 _____ PER/GAL.

RC-800 _____ PER/GAL.

Filed.

OPEN BID REPORT - PARKING METER MECHANISM UNITS - POLICE
DEPARTMENT

After being duly advertised the following bid for
Parking Meter Mechanism Units for the Riverhead Police De-
partment was opened by the Town Clerk on Monday, April 18, 1977
at 11:00 A.M.

DUNCAN INDUSTRIES
Div. Of Qonaar Corporation: Manufacturer
By: K-R Industries, Inc.
8325 Ohio River Blvd.
Pittsburgh, Pa. 15202

Approximate date of delivery:	30-45 Days Shipment	<u>TOTALS</u>
Cost of Parking Meter Housings with all specifications:	\$52.50 each delivered	\$3,132.00
Cost of Parking Meter Mechanism Units with all specifications	\$43.50 each delivered	<u>\$2,697.00</u>
TOTAL COST:		<u>\$5,829.00</u>

ALTERNATE BID

60 Complete Model "60" New Duncan Parking Meters Including Housings, Mechanisms and Open Coin Boxes, \$75.00 each delivered	<u>TOTAL</u> \$4,500.00
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Filed.

REPORTS - continued

George Malvese and Co. - Inspection Report on Michigan
275 - B Sanitary Landfill Machine. Filed.

UNFINISHED BUSINESS

Decision on Amending Zoning Ordinance #26 - Signs and
other changes.

Decision on Northville Industries Corp. Special Permit.

APPLICATION

Open Development Area Application of Alex E. Horton -
Wading River Property. Filed.

Referred to Planning Board for recommendation and report.

Supervisor Smith then stated: "Before we get there, Mr. Tooker, Dr. Menendez you have some preliminary matters you want to take up before we get to the agenda."

Councilman Menendez: "Mr. Supervisor, I think that it is only fitting that this statement be made. On behalf of the people of Riverhead and also the Town Board of Riverhead, I wish to publicly thank "The Tree Committee" for their work in replacing our beloved Town Christmas tree, located on the Route 58 Traffic Circle. Thanks to all those people who offered trees, thanks to Pat Perrella who headed up the committee, and to Eugene Warner for moving and planting the tree and to Mrs. Horton of Alavalis Lane, Cutchogue, a special thanks for donating the chosen tree. Our gratitude also to Ann Heinz of the Guardian Federal Savings and Loan Bank, who arranged for the costs involved.

I wish to publicly commend the Detective Division of the Riverhead Police Department for the excellent work done on our recent homicide case. This extra effort proceeded a speedy solution and deserves the commendation of the people of Riverhead."

Supervisor Smith: "I would add Sir, Ladies, and Gentlemen we have one more party to thank on the Christmas Tree and that's the Riverhead Fire Department, the crew, which is commonly known as the back-room crew that's been going out there watering the tree the past few days to make sure it doesn't parch out of existence.

There are two other items I would like to bring up as a preliminary matter. On Tuesday and Wednesday evenings of last week I had occasion to be doing something that Dr. Menendez knows that I do which was sort of monitoring the police calls out of my private car, as we went about the community. One occasion, on Tuesday night, where there was a disturbance and fight and a rather large crowd present I watched in particular Sergeant, Jack Seamen, who was recently appointed to that position and his particular squad handle the situation with a great deal of professionalism and expertise. Similarly I was probably at or near the Town Hall when the initial calls began to come in with reference to the homicide. I was probably there ahead of at least half the units that arrived and watched them work that particular event and I would point out,

of course, on any of these that it is the uniform forces in the first instance that arrive on the scene. And I concur with what Dr. Menendez said that the matter was handled in a very professional manner and that it is unfortunate that such things occur and it is to some degree comforting knowing the kind of response that is involved in such matters.

Now there was one other thing we have on our agenda that has disturbed some of us on the Town Board. It is, I believe, Maloru Universal in the Zone Change by an outfit called Maloru Universal. What they're talking about is the dilapidated slum that has been ravaged to the extent that somebody has either gone in there with a jack hammer or pick ax to pull out all the plumbing that's been put into the concrete. I think that all segments of our community have realized the problem that has been created by that location in the past and I don't believe that we're going to ask to give them the benefit of a Public Hearing on this particular matter. We are tempted to call for a Public Hearing on this particular matter to ask the people who have applied for the permit some very serious questions. We want to know among other things and I think this is the most serious and then I'll drop it, is why, when inquiries are posed relative to relocation of people that may or may not be displaced by one other housing plans in the Town of Riverhead, why some representative of the Suffolk County Department of Social Services says well all those people will go up into the new motel on Doctors Path. I'd really like to know who that person was, where they got their information and who's got the pipe line? I don't want to know bad enough to waste all our time on an application that we wouldn't grant in any event. So enough be said about that particular item.

One thing on bids, Mr. Horton you're present this evening, is it correct that you don't use Items #1 and #2 in group three, you never have?"

Miss Block: "He doesn't use any items in items #3."

Mr. Tooker: "I had occasion on Saturday, Mr. Smith, to see our volunteer Fire Department in action when they put out a brush fire next door to my home and they too responded promptly and effectively and I would like to publicly express my appreciation to the Chief and the volunteers who came and prevented what could have been a terrible conflagration in Rolling Woods on Saturday afternoon.

I rise particularly to speak about Mr. Horton's application for an open development area. Mr. Horton has made this application repeatedly since 1964. It was approved in 1964, again in 1967, in 1971, in 1974, and again this year he's made an application. The Zoning Ordinance provides that the Board of Appeals shall act on such application such as this. Mr. Horton is the owner of one lot left in this subdivision and he has recently sold one lot for which the purchaser has applied for a building permit which has not been issued. I don't know if the Board of Appeals has acted upon the matter and I and Mr. Horton are here to answer any questions you may have about it and we request that this application again be renewed."

Supervisor Smith: "Now Mr. Tooker, your claim is that this particular matter is not properly before this Board and it should be referred to the Zoning Board of Appeals?"

Mr. Tooker: "It's my understanding from the Zoning Ordinance that this is a matter to be dealt with the Zoning Board of Appeals."

Supervisor Smith: "Mrs. Tormey?"

Miss Block: "Planning Board, I thought."

Mrs. Tormey: "Planning Board, unless that has been changed recently."

Mr. Tooker: "Board of Appeals Powers Section 108-76. The Board of Appeals shall have the power in a specific case after due notice and public hearing and subject to appropriate conditions and safe guards to determine and vary the application of regulations of this chapter in harmony with the general purpose and intend as follows.

1. Grant undeveloped sections of the Town temporary and conditional permits for not more than two years for structures in uses and contravention of the regulations and so forth."

Supervisor Smith: "Who have you gotten your permits from in the past?"

Mr. Tooker: "We've made the application to the Town Board in the past and the Town Board, I believe, on some occasion has referred the matter to the Planning Board."

Miss Block: "It says here this is a fifth application pursuant to the rules of the Town of Riverhead Planning Board."

Supervisor Smith: "Mr. Tooker if you'll step aside for a moment."

Mrs. Tormey: "That Section has always been in the ordinance and we've construed that section to be a special exception for particular uses. We had Lyon Ford for instance, one time several years ago in an area that was completely undeveloped and we granted them a special exception for a use that was not allowed in the ordinance with a termination date of two years from the time of the filing of the termination. We have never handled an ODA ever. They've always gone to the Planning Board. We would be more than happy to if that's the way to do, but the application is not before us. I have received nothing from Mr. Horton except a couple telephone calls."

Mr. Tooker: "Mr. Smith if you would like it to go to the Planning Board it's fine with us."

Supervisor Smith: "We'll listen to anybody else from these roads in this area, the adjacent areas that choose to address it at this time and then we'll make up our mind where it goes. Do you want it to go to the Planning Board?"

Mr. Tooker: "We'd like it to be acted upon with some dispatch. Whether it's done by the Planning Board, the Board of Appeals, the Town Board or all three bodies that are not of a great consequence to us. We would like to have it deliberated and a decision made as promptly as possible."

Mrs. Tormey: "Mr. Supervisor I was down there Sunday afternoon because Mr. Horton had called and I don't see any point of shoving things around so I went and looked and the roads have been patched, but they were swept and there had been some work done. Some of the patching was a little loose. Mr. Horton had told me that that would be repaired. They have been repaired and they're in reasonable condition, but I'm at a loss because we simply have never had one of these before. They've always gone to the Planning Board."

Supervisor Smith: "Now is there anyone from Pond View, Sound View, Tidewoods, or Beverly Hills?"

Jim Fritsch, TideWoods: "Tidewoods is a unique development in Wading River and the fact that the Town Roads in Tidewoods were built according to Town specifications they obviously were constructed to Town specifications accepted by the Town due to the fact that the Town in October, 1973 released the Bond. Since this time we have been able to get no maintenance or repair work done on our roads. I think there should be no more open development in Wading River or in the confines of Riverhead Town until Riverhead Town can properly maintain the roads that were built to their specifications."

Supervisor Smith: "Anyone else wish to address the Town Board with reference to this matter? We will when we come to the resolutions portion of our agenda either direct this matter or act upon it."

Unidentified Man in the Audience: "We have some comments to make relative to the roads to the condition of roads in Tidewoods particularly Tidewoods South but I don't know..."

Supervisor Smith: "Necessarily to the land above you. I'll give you your chance on that. Such as your comments that you wish to make Sir, that may pertain to the subdivision or lack of subdivision you can make now and the others I'll give you a chance in a second."

Joe Baire, South View Court, Wading River; "We have a number of our people here from South View Court because of a persistent problem which has developed over the past six months on our roads. And I would have to say at this time, we're probably a little confused as to whether our problem and our complaint applies to this open development so if it does we would like to perhaps make some comments. Or whether our problem at this particular time does apply I think you're aware of it."

Supervisor Smith: "On several different occasions, when it's raining and when it's not raining I've been at the home of Mr. Ottaviano. He has some rather pronounced opinions as to the relationship between the open development area above him and the situation as it persists in Tidewoods depending upon your view, they are either related or not related. I will give you a chance to speak generally on the situation on the roads in Tide Woods at a later time and we'll see if we can explain it further at that time."

Joe Baire: "So the open development applies to the subdivision that is above us and with respect to drainage or..."

Supervisor Smith: "That is exactly the difference. It is a zoning pool technique that I think it would be fair to say that it is not currently in vogue. Wherein I think the statement could be made. It is that what you do is segregate, certain part of the community has private roads - does not necessarily comply with all the other subdivision regulations etc., etc. The roads in an open development area would ostensibly remain private and not accepted by the Town for all time."

Joe Baire: "I would just then concur with Mr. Fritsch because living around the corner I've seen what he's gone through, I know what Mr. Ottaviano has gone through as far as drainage problems and I see what's developing on the street as far as washing out of roads and flooding etc., and I would hope that something could be done to alleviate this at least for our development."

Supervisor Smith: "We'll come back to it."

Al Marletti, South View Court, Wading River; "As I understood your comments that this open development would relate somehow to the status of the roads that are in or about, which are under consideration. Whether or not they be private, or whether or not they be public rights-of-way."

Supervisor Smith: "It does relate to that."

Al Marletti: "So then maybe this is pertinent to this whole topic because I for one cannot understand why the roads in that area remain in some sort of a private status rather than a public right-of-way. As I understand it the development plan was approved by the Town Planning Board."

Supervisor Smith: "Draw a little dichotomy for the purpose of understanding if you will. In the open development area it was probably never intended that they should become public highways. In your subdivision, as opposed to an open development area it is most certainly intended I assume from reading the files that those highways would become public highways."

Al Marletti: "So is the matter of whether or not those roads are private or public, pertinent to this open development plan."

Supervisor Smith: "Well in that they're private roads do we then install drainage at some future date so the water does not run from up to down."

Al Marletti: "If they were not private roads would there be a problem with so far as this other matter that you are presently hearing, namely, the open development plan for this parcel."

Supervisor Smith: "If they were all public roads, then tearing them up, putting drains underneath etc., is less of a problem, of course."

Al Marletti: "So then you would suggest that we discuss this matter at some later time."

Supervisor Smith: "We're going to discuss it this evening. And it is Ottaviano's opinion not necessarily mine."

Supervisor Smith recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:00 P.M.

Town Clerk submitted affidavits of posting and publishing Public Notice calling Public Hearing for April 19th, 1977 at 8:00 P.M. on permitted Investment Tax Credit for new Construction. The affidavits were ordered to be placed on file.

President of the Wading River Civic Association, John B. Murtha, dated 4/18/77, opposing, the Permitted Investment Tax Credit for New Construction. Filed.

Supervisor Smith then stated: "I would give you, if I can, the general overview with reference to this particular item that is under consideration. We are dealing strictly with commercial and industrial properties. We are talking about an abatement for new construction, constructed after January, 1976. The amount of the construction has to be in excess of \$10,000. The total permissible exemption is a 50% exemption in the first year of assessment and a declining balance for a

PUBLIC HEARING - continued

period of ten years. The ten year factor remains the same. However, the Town Board could reduce the initial exemption to 25% and then the declining balance would be 2½% per annum so that at the end of the 10 years with any particular ratable, you would be in the same situation as you would had there not been an exemption.

For those of you who have not testified before this Town Board before I would point out the use of the tape recorder and the microphone. If you do not come forward to the microphone, give your name and address to Miss Block, your testimony will not appear upon the record and if you're not on the record as we study our decision in this matter we will not be able to have the benefits of your words. We have a lot of people in the room. We'll start off by limiting our comments to let's say five minutes a piece after everyone has had their say, should you choose to speak again I shall call upon you again. Does anyone choose to address the Town Board with reference to this matter?"

Gustave J. Wade, 41 Willoby Park, East Northport; "I own and operate a business called "All Island Equipment" which is in the business of selling agricultural, industrial machinery, lawn and garden and other various machinery to farmers, agriculture people, landscape contractors and that type of people. I have purchased a three-acre parcel of land located on Route 58 in the Township of Riverhead about one mile east of the terminus of the Long Island Expressway. It is now zoned Industrial "A". I anticipate putting up a new building and a new facility for sales, service and parts on the three-acre parcel to service, sell agricultural tractors. Implements and various equipment in the Township of Riverhead the south fork, the north fork. The Legislators and the Senate saw fit to adopt a bill to encourage industrial growth in our depressed state of New York last year.

I realize, Mr. Supervisor, you are confronted with a dilemma giving a 50% tax reduction to private industry now would leave you susceptible to allowing Long Island Lighting Company a 50% tax reduction in 1983 when they start generating electricity if in fact they ever generate electricity or perhaps it would be 1987. Ten years would be a rough estimate for completion. They call Suffolk County the Dead End Community now or the Bedroom Community where all incoming growth is depending on New York City. Well Supervisor, I feel that if President Carter's new energy bill is adopted within the next six months, people from Riverhead area will not be able to afford transportation to and from it's employment places. Therefore, Suffolk County and more over Riverhead Township should plan to be come self-sustaining in relationship to the rest of New York in the near future.

As you are well aware of the largest sector of any Town tax base comes from private enterprise and if Riverhead does not attract new and additional tax base from that sector we will loose considerable business to other areas and it will stay the

PUBLIC HEARING - continued

Dead End Community which people talk about. These new businesses attracted will provide for additional jobs and make the future of Riverhead a viable place to live and work.

In essence after the Long Island Lighting Company Plant is completed it will only employ a handful of people, as in Massachusettes they have completely gone to computerizer operations in a plant such as that would base about 7 or 8 people to completely man it. And with all the tax loop holes that the Federal Government has got installed for power agencies it is doubtful if any real substantial income will be derived from the LILCO subsidiaries. I, therefore, feel that the Board and the Town Board of Riverhead should consider giving any new business and or construction endeavors the 50% tax incentive break adopted by Governor Carey last year. Therefore, increasing the private sector of business which will develop the self-sustaining society that Riverhead needs for future economic stability and a better place to reside. Supervisor, I would also like at this time to say that I am looking forward to a long and lasting residence in the Riverhead Township and would like any cooperation from the Town Board and it's members in my new endeavor. I thank you very much for your time."

Bert Rhodes, Overlook Drive, Wading River; "I'm talking to you tonight in my capacity as Vice President of Shoreham - Wading River Central School District. On November 29, 1976 the Shoreham - Wading River School Board passed the following resolution:

WHEREAS, the Legislature of the State of New York has passed Chapter 278 of the Laws of 1976 permitting exemption from real property taxes for certain new construction alterations and improvements to existing structures effective July 1, 1976, and

WHEREAS, municipalities including school districts are enabled under Section 7 of the aforesaid legislation to reduce the percentum of exemption otherwise allowed pursuant to this Chapter, and

WHEREAS, the educational and financial needs of the Shoreham - Wading River School District are such as to require the maintenance and expansion of the District's tax base, and

WHEREAS, this District believes it to be in the best interest of the citizens of the District to exercise the municipal option afforded under Section 7 of Chapter 278.

IT IS HEREBY RESOLVED, that exemptions claimed under Chapter 278 of the law of 1976 for real property construction altered, installed or improved subsequent to the first day of July 1976 for the purpose of commercial business or industrial committee shall be and hereby are reduced to zero percentum and no such exemptions shall, therefore, be allowed.

The resolution was passed unanimously.

I's like to give you some back-up information regarding why we passed the resolution. The total true value of our

PUBLIC HEARING - continued

district is 400 million dollars. LILCO is assessed right now their true value approximately 220 million dollars, let's say 65% to 75% approximately of our true value. Our budget last year was 10 million dollars. The income from our taxes was paid approximately 70% to 75% by LILCO. Now being assessed at a true value of 280 million dollars is only about anywhere from 1/3 to 1/4 of their total true value when they're completed from 3 years from now. It is expected that their total expenditure will be about one billion dollars the true value of the district outside of LILCO is only 120 million dollars. So it's conceivable in 3 years from now that LILCO will be paying 90% of our property tax. Now the condition exists today, they are paying almost 3/4 of our property tax. If we were to grant an exemption and that would be our new construction hereafter it would be on about approximately 700 million dollars. And, therefore, we voted "NO".

Supervisor Smith: "Of course, Mr. Rhodes your problem with reference to LILCO does not necessarily apply to this Town Board, in whatever, action has been taken by the Brookhaven Town Board will effect that portion of your tax base."

Bert Rhodes: "Well that's debatable. We've been told by our attorney that we do have the right to pass that resolution as a tax levying organization."

Supervisor Smith: "There are differences of opinion and if your attorney would like to see the opinion of the State Board of Equalization and Assessment that I have that may convince him otherwise. We will be happy to send a copy of that particular memorandum decision for his consideration."

Bert Rhodes: "I think what the Riverhead Town Board must do is consider the effect if LILCO Plant does come in and what percent the LILCO Plant at approximately - I guess anywhere from one to two billion dollars of true value."

Supervisor Smith: "You're talking about Jamesport for our consideration."

Bert Rhodes: "Yes, what effect that would have on on your total tax base if you grant a 50% exemption or any kind of an exemption."

Supervisor Smith: "We are considering that, Sir, and we have hired a very talented Professor at Cornell University to aide us in those deliberations."

Frederick Alexander, Pres. of Reginald Tuthill Funeral Home, Riverhead; "The letter that Miss Block read to us earlier in reference to Wading River and their objection to any reduction

PUBLIC HEARING - continued

of taxes for industrial or commercial adventures, of course, is news to me. The corporation which consists of myself as President, and I have two sons who operate the Reginald Tuthill Funeral Home here in Riverhead since 1924. My Father-in-law founded this corporation.

We recently have made a decision to expand our funeral home facilities into the Wading River area. We have purchased property there, we feel that we have a very distinctive service to the community. We felt that the Wading River area was an area that deserved possibly this type of service maybe a little closer to their community. We have plans for a building that would certainly enhance anything that is there, it would enhance the community and possibly entice others to come along within the same area that happens to be located on Route 25 just east of the Wading River - Manorville Road. I think that anything that the Town Board might do or any relief that might be given to small businesses and I emphasize again we are a small business. We would like to serve the community better and this includes Wading River, Manorville, Shoreham area, and the area of Thurms Estates. We are willing to invest our monies into this venture and if there is anything at all that you people can see that could give us some relief, we would certainly appreciate it. We are willing to try and advance the community and invest our own capital."

Dennis Hurley, Parker Road, Wading River; "Mr. Supervisor, other members of the Board, I think that many problems that the Town has had recently it's not a simple problem here. And I think that one of the complicating factors is the question of the proposed facilities in Jamesport, and I think another complicating factor is the proposed expansion of the Northville facilities. The reason I say that is that those two facilities if and when they are built will contribute greatly to the tax base of the Town. So we're in a situation as I see it we have to look if we grant this abatement, how will that affect the total revenues we receive from the two major sources.

On the other hand, of course, we're all very interested in trying to have our community be essentially self-sufficient. We have a tremendous unemployment problem, we have many problems that I think light industry in this area would be welcomed by most. It would certainly be welcomed by me because there's a lot of things this Town Board could do if they had more money to do it. So I think a few things #1 and it's a complicated equation - I think one of the things and I know you people are looking at this as if the Northville facilities expanded as I understand you're talking in the neighborhood of \$200,000 in additional taxes you're talking about a tremendous amount of money if and when the Jamesport facilities are constructed whether they be nuclear or otherwise. The 50% if those two things come in to pass I think the 50% abatement, this

PUBLIC HEARING - continued

is a matter of mathematics would presumably cause a diminution in what would otherwise be even over the long term the tax contributions and what would serve to increase the tax base of the Town. So I think in essence one of the things you might consider is this question of whether in effect you could grant a 25% reduction.

And then I think another question would be what are the neighboring Town's doing. Now I know in a way this sounds sort of like we shouldn't follow the other Towns and to some extent that's valid but if the other Towns for instance that's Southold Town. As of now I believe that Southold has in fact voted a Local Law which would in effect prevent this abatement from going into effect. But hypothetically let's assume that they didn't take that position. If they were a competitive site and they granted the abatement and we didn't, obviously, that would have some bearing on the equation.

In summary of the point again I think it's very complicated the minor points I would like to make is if you give an abatement to new business you have a problem with existing business. There is some type of competitive disadvantage that's forced on the local merchants. I think that's a factor, I don't think that's a positive factor and I think most of the businessmen in the community would agree. I think again if we did not have Northville on the expansion that is proposed at that facility and if we didn't have the LILCO situation I think your job would be far simpler. Again I just don't think it's that simple. I know the purpose of this hearing is to get the input from the people in that community. They are basically my thoughts."

Supervisor Smith: "If I might use your comments to extrapolate on what I said before. The issue is very, very complex with reference to the LILCO facility. The Northville facility is a little easier to understand and grasp.

Among other things the concern with reference to the proposed Jamesport facility of the Long Island Lighting Company is the cost of construction over which the facility would arrive upon seeing. In other words it would have one year's assessment that hypothetically having given the 50% would begin to decline in year 1980. Then the second year's construction would begin to decline in the year 1981 so one would be at 45%, the other one would be at 50%.

We have Professor Boyer and his staff at Cornell University who specialize in such matters extrapolating out the costs involved in these figures and it is to be considered in terms of relative savings as opposed to relative payments which further complicates the matter.

On investment tax credit now anyone else choosing to address the Town Board with reference to this matter?"

John Murtha, Pres. Wading River Civic Association; "Supervisor, members of the Board, at the last meeting of the Wading River Civic Association much concern was given over this 50% tax exempt for the proposed businesses. There was, however,

PUBLIC HEARING - continued

much sympathetic concern for the average business person that would affect most of the existing businesses in the Town.

Under the present law no percentage flexibility was made when dealing with a large utility such as LILCO or other nuclear plant such as Jamesport which would receive a tremendous tax advantage. In the opinion of the Civic Association it would not be beneficial to the Town of Riverhead for this reason. The association is in favor of no tax cut at this time and we feel that possibly if all the East End Towns took this stand there's a possibility that maybe some new legislation could be enacted to give the Towns a little more flexibility in dealing with these tax exempt problems. Basically what we're trying to do is look for some new legislation that would allow us to possibly draw a line as to a maximum amount of ..."

Supervisor Smith: "Jack again if you're not speaking to the big picture, if you're speaking essentially to the Wading River - Shoreham School District which comprises to the majority of your tax bill in that location. I would tell you that our Counsel, Paul Wise, etc., from New York City has conducted some research for us relative to who may or may not grant this exemption and it is their opinion at this point of the research I'm not sure whether or not it has reached a point where they can render a written opinion to us but I do know the answer informally is that the exemption is granted solely by the Town Board and if you are concerned necessarily with the Shoreham - Wading River School District I believe Brookhaven has granted it to some extent."

John Murtha: "Well I don't think this was our only concern, Town of Riverhead is ..."

Supervisor Smith: "Bigger than that. We understand that. Anyone else on investment tax credit? If not I will close this hearing."

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 8:20 P.M. and re-opened the Meeting.

COMMUNICATIONS

N. Y. State Dept. of Transportation, dated 4/6/77, making reference to signal upgrading to be implemented under the Safer Road Demonstration program. The intersections involved are:

1. Roanoke Ave. (CR73) and Pulaski St.
2. Roanoke Ave. (CR73) and Second St.

The Town is responsible for the maintenance after the improvement have been made. It is necessary to pass a resolution agreeing to same. Filed.

COMMUNICATIONS - continued

G. W. Selleck, North Country Road, Wading River, dated April 4, 1977. Apprising the Town Board of drainage problems in the vicinity of Century Farms, Three Village Homes. Filed.

Petroleum Marketing Corporation, dated 4/4/77, Advising of the serious condition of the sidewalk in front of Scot Service Station located on East Main Street, Riverhead, which is causing a definite hazard to the customers and people of Riverhead. Filed.
To be filed with Sidewalk Project.

William and Florence Small, RR 1 Leonard Street, Wading River, dated 4/5/77, Advising that Building Inspector Raymond Wiwczar's testimony helped tremendously in winning their case in District Court. They thanked the Town Board for having an honest and conscientious official as Mr. Wiwczar standing with the taxpayers in time of need. They advocate stricter building codes for installation of inground swimming pools. Filed.
Referred to Councilman Menendez.

Mrs. Ruth Hawkins, dated 4/6/77, asking for removal of a tree in front of her home on 141 Union Avenue, Riverhead. This tree was partly destroyed by the August storm. Filed.
Referred to Councilman Menendez.

Mrs. Mabel I. Heath, dated 4/12/77, advising that branches on east side of tree in front of her home have been dying for years. There are no leaves in the summer. Three days ago she saw strings of something that looked like tomatoes - the wind blew the strings down and dogs tore it up. There is another small string on the tree. Filed.
Referred to Councilman Menendez.

Roanoke Landing Civic Association, dated 4/4/77, asking the Town to post a sign stating the Town Ordinance relating to parking of vehicles on beaches between the hours of 10 A.M. and 7 P.M. and have the law enforced by the attendant on duty. This request being made for the area of the Town Beach at the end of Park Road in Reeves Park. Filed.
Supervisor Smith referred the matter to Police Chief Palmer.

Superviosr Smith: "Mr. Ingegno I see your hand."

Joe Pandofo, Rolling Woods; "Joe Ingegno couldn't be here today. I don't think that only the Police Department is involved in this I think the Recreation Department, Mr. Grodski, is also involved in this deal because he has an

COMMUNICATIONS - continued

attendant down there who sort of supervises the parking down in that area. And I think that with the cooperation of the Police Department and the Recreation Department something should be resolved towards this end."

Supervisor Smith: "We'll try Sir. With the tow-away ordinance and the impound area we're doing better this year than years in the past. Mr. Grodski are you in the room?" (Mr. Grodski was absent)

New York State Department of Environmental Conservation, dated 4/12/77, relating to the matter of the application of aircraft warehousing, Inc. on well application No. W - 3104, to increase capacity well from 25 to 250 gallons per minute - location about 230 feet south of Route 25 and 1500 feet west of Edwards Avenue, Calverton. - well water will be used for sprinkling system for fire protection of warehouse on the site. Hearing to be held on May 16, 1977 at Building 40, Stony Brook. Interested persons should file on or before the 9th day of May, 1977. Filed.

State of New York Department of State, dated 4/12/77, acknowledging receipt of Local Law No. 1 of 1977. Filed

Wading River Civic Association, dated 3/31/77, asking that the Highway Department stop the practice of dumping into the Wading River Creek or any other water ways in the area, in its annual clean-up of roads in Wading River. Filed.

Wading River Fire District, dated 4/6/77, requesting that some type of action be taken to repair certain roads in the Wading River Fire District, for the protection of the district and good will of the residents. Fire Chief Ray Durkin is willing to supply the name of the roads needing repair. Filed.

Alex E. Horton, Supt. of Highways, replies to above communication dated 4/18/77, asking what roads are being referred to. Also stating that he does not believe any of our town roads are in as bad a condition as stated in the letter. Also if the roads referred to are private roads, there is nothing that can be done. Also that he feels he should not be criticized for roads that he is not responsible for. Filed.

COMMUNICATIONS - continued

Landmarks' Preservation Commission, dated 4/11/77, requesting landmark designations for the following three edifices.

1. The Congregational Church, Wading River
2. St. Isidore Catholic Church, Riverhead
3. The Congregational Church, Jamesport Filed.

Landmarks' Preservation Commission dated 4/12/77 - stating that 138 Roanoke Avenue (George Hill House "Craft Shop" and 154-158 Roanoke Avenue (George Corwin House - "Cobbler Shop") are under consideration as landmarks and in compliance with ordinance, the Building Department and Town Clerk shall not issue permits for the demolition, alteration, etc. of said structures. Filed.

Supervisor Smith then stated: Miss Block we'll stop there but I would make a comment on those. We have received a permit application for the demolition of what is commonly known as the Don Swahn Insurance Co. In light of these designations and that one resolution later on in the evening calls for a Public Hearing to be held on such designation or the rescinding of designation by the Board for May 17th."

Supervisor Smith recessed the Meeting to hold a Public Hearing.

PUBLIC HEARING - 8:30 P.M.

Town Clerk submitted affidavits of publishing and posting Public Notice calling Public Hearing to be held on April 19, 1977 at 8:30 P.M. on the matter of Taking Map Prepared for Town of Riverhead Drainage (Henry A. Pollack Property).

The affidavits were ordered to be placed on file.

Town Clerk submitted appraisal reports prepared by Edwin Fishel Tuccio and James A. Kaelin. Filed.

Supervisor Smith then stated: "This is a Public Hearing pursuant to the terms and conditions of the Suffolk County Improvement Act for the acquisition of certain real property on the North side of Sound Avenue, a little bit east of the intersection of Roanoke and Sound Avenue between the lands of Pollack and Young. Does anyone choose to address the Town Board with reference to this matter?"

Bernard Sommer, Esq., Member of Mineola Law Firm; "I'm here on behalf of Henry A. Pollack the present owner of the property which you are now seeking to condemn in part. Mr. Pollack is the owner of 65 acres of farmland on the north

PUBLIC HEARING - continued

side of Sound Avenue which he has farmed for a number of years.

Several years ago the property owner on the South side of the road sought to elevate his lands and he did so by bringing in fill. As a result of his actions, he has caused a change in the grade of the lands and a resulting cause of water to flood into Sound Avenue into the vicinity of the subject taking.

I am well aware as is Mr. Pollack, which consists of 65 acres of land has only a frontage of 765 feet on Sound Avenue. And the proposed taking from his parcel is approximately 210 feet of frontage comprising of approximately 1.2 acres.

Mr. Pollack and his personal Counsel have visited with your engineer and surveyors who prepared your map. They have discussed with him the possibility of an alternate taking to the rear of this parcel. A parcel of approximately the same size together with right-of-way leading northerly from Sound Avenue into another area where you could establish a discharge or recharge basin.

It is my belief that the Town could save themselves a lot of money by taking a piece of property further to the north as outlined in a plan submitted to Town Council by Mr. Pollack and his Personal Attorney. This parcel of land would not reduce the frontage of a 65 acre parcel so dramatically. I suggest to you that you make this decision or vary this decision that you have before you today on the grounds that this is a considerable probability that if you take 200 feet off the existing parcel, you may involve yourself in a very considerable severance and consequential damage to the remainder parcel which I am informed and advised by an appraiser who had looked at this property and who will address you directly after I do that there will be a very substantial severance damage that might run as high as \$500 an acre to the remainder which in simple arithmetic might be as much as \$30,000 more costly to the Township should you follow your present course.

I suggest to you that by taking the alternate course of the rear lands several hundred feet off Sound Avenue and taking a right-of-way to this land you may be limiting your expenses to possibly \$5,000 for the taking of the land area without any severance damages at all to the remainder. I'm going to..."

Supervisor Smith: "Let's simplify things, Mr. Sommer. Are you offering to the Town of Riverhead the parcel behind for \$5,000?"

Bernard Sommer: "I haven't appraised the property as yet. My appraiser has indicated to me that the value of the property would range somewhere in the \$5,000 to \$6,000 per acre range, present farmland values out in that area."

PUBLIC HEARING - continued

Supervisor Smith: "I would suggest to you, Sir, rather than dealing with it in the abstract as we have heretofore that either on a survey, a sketch or otherwise you propose out in the Hall after we get done with this hearing an offer to the Town of Riverhead with reference to whatever parcel you want us to take and you let this Board know what it is."

Bernard Sommer: "I have it right here, Mr. Smith."

Supervisor Smith: "What's the price?"

Bernard Sommer: "I haven't got an appraisal on it yet, but I suggest to you Sir, that it would not exceed \$6,000."

Supervisor Smith: "Why don't you talk to your client first?"

Charles A. Rogers, "Rogers & Taylor, Appraisers, Bayshore."

Supervisor Smith: "Mr. Rogers before you begin, Mr. Rogers do you swear that the testimony that you will give in this proceeding is the whole truth and nothing but the truth?"

Charles A. Rogers: "I do." 517 Pine Acres Blvd, Brightwaters, N.Y.; "I am an appraiser in Suffolk County. I have done considerable amount of work here in Suffolk County and Riverhead in particular and at the present time I'm working for the County on the Farm Project and I'm quite familiar with a good many of the farms here in Riverhead. I don't think you need me here very much. Mr. Pollack has agreed at a price which I think is quite low and I'd be happy to answer any questions you might put before me."

Supervisor Smith: "Mr. Rogers we're here for the purpose of a hearing and for a moment we'll conduct ourselves like an attorney and an appraiser. Would you please give us your opinion as you were asked by Mr. Sommer's with reference to our proposed taking."

Charles A. Rogers: "Surely, I do feel that the property will not suffer any severance damage if the sump is located to the rear of the property which is owned according to this survey by Mr. Young, by Willmott and Geraldine Warner. That would be at a point some 321 feet to the north of Sound Avenue and, of course, would be on the easterly side of the property."

Rather than adjacent to the Warner property to the east and that there would be just a per acre evaluation of that 1.2 acres and I am not prepared to give a precise amount at this particular time and it would be as Mr. Sommer said between \$5,000 and \$6,000. However, I can say it is my opinion that

PUBLIC HEARING - continued

if the sump is placed on the frontage there wouldn't be a diminution to the after value of at least 10%. Quite quickly it would probably be something between \$25,000 and \$30,000."

Robert Hartman, Sound Avenue; "I happen to be a very close neighbor to this property and can well attest to the problems that have been there for the last couple of years. And I can also attest to some mistakes that the Town of Riverhead has made in the past in building so-called sumps. And I think Mr. Pollack is all together right.

This is going to diminish his frontage but it's also going to be an eyesore. All I hear around Town now is the beautification of Riverhead. And the last time I looked around I think Sound Avenue area is still part of Riverhead and in the past they put an awful lot of postage stamps size sumps right along the road. I got one right opposite my house and all it is is a mud puddle. It worked for about six months and I agree with Mr. Pollack they should be put around the back of the Warner property, it will be out of the way, it involved a little extra piping and it will be to the advantage of Riverhead in many ways."

Supervisor Smith: "I would give you one input, Bob, that little piping is going to cost \$8,000."

Geraldine Warner: "These gentlemen have brought the facts but they haven't lived there for 27 years as I have. And I believe they know what they're talking about. That sump definitely should be in back of where our garden comes into the property with Mr. Pollack's. That is where your water comes in and that is where the water stands. And well I've been there for 27 years I know. And it isn't down at the west side of our garden that you need this sump, it's in back."

No one else wishing to be heard and no communications having been received thereto, Supervisor Smith declared the Hearing closed at 8:40 P.M. and called for a 7½ minute recess.

After the recess, the Meeting reconvened.

PERSONAL APPEARANCES

Supervisor Smith: "I think probably the majority of you are here to address the Town Board with reference to Tidewoods and let's pick up on that."

James Fritsch: "Actually I'm not going to read all this but I did want to go through here to refresh my memory.

PERSONAL APPEARANCES - continued

These are things that I scribbled down talking to various members of the Board and everything and basically it concerns the dedication of the roads in Tidewoods to be accepted by the Town and maintained by the Town.

As I said earlier Tidewoods is unique in the fact that it is the only development in Riverhead that has been developed to be accepted by the Towns, the roads were supposedly built to the Town specifications by the builder. The builder did post a performance bond assuring that the roads would be built to these specifications. The Town released the builder from the bond indicating to me and I think most members of the Board that at least at that time the roads did meet specifications.

If the roads did not meet specifications at that time, the Town I believe is still liable to maintain the roads by releasing the builder from his bond. Whether it was done correctly or incorrectly is immaterial to the question. The point is people bought in Tidewoods with the understanding that roads were being built according to Town specifications and the Town had required the builder to post a bond. The Town released the builder from the bond and, therefore, I think all the people in Tidewoods are justified in assuming that the Town should take over the roads.

And talking with Mrs. Tomlinson basically her statement was considering this release in the bond and my impression was and I believe I went over this story that I purchased a house in Massachusettes and in an undeveloped area and I researched very carefully this aspect. And basically it was as I stated before that the bond is the buyers protection. And Mrs. Tomlinson's reply was yes this is the way it's supposed to be. And my concern was that when the bond was released I had lost all my protection and Mrs. Tomlinson's reply was yes and that really made the Town liable. And that's the way I feel about it. I don't feel the Town is liable for damages but I feel the Town is liable to maintain these roads.

The people bought in good faith from a developer, the developer posted a bond supposedly in good faith. The Town released the land supposedly in good faith. Now my question is this bond was released in 1973, why hasn't the Town assumed the responsibility that goes with releasing the bond namely maintaining the roads for the people. It's amazing to me the average taxpayer in Tidewoods is paying quite a bit more taxes than the average taxpayer in Riverhead Town on Town approved roads. And yet we're not receiving the services and I don't understand why. Can anybody give me..."

Supervisor Smith: "Mr. Haugaard is here and we have as a Town Board passed a resolution in another location trying to assert ourselves with reference to roads."

PERSONAL APPEARANCES - continued

Mr. Fritsch: "I can understand this, now one of the things I do understand, there are a lot of other developments that have roads that have not been accepted. I think some of the members of the Board live on a road like that. But in this case the Town did not release the Builder from his bond. And this is a very big point with me and I think the people in Tidewoods."

Supervisor Smith: "Jim, it is a point that you and I have discussed on numerous occasions as we tried to solve some of the drainage problems behind your home."

Mr. Fritsch: "That's correct and that has worked fairly successful you're aware of that and I appreciate your effort on that."

Supervisor Smith: "I think it's fair to say that the Town Board would pass a resolution exercising as much power as we could directing the maintenance of these highways. Now ..."

Mr. Fritsch: "I think that should be done. The roads that we're speaking of are not in front of my house, tonight particularly South View Court is..."

Supervisor Smith: "South View Court is falling apart literally."

Mr. Fritsch: "This does not affect me at all but still this goes back to the basic thing I've been talking about since 1972 with the Town."

Supervisor Smith: "I wonder whether or not as Dr. Menendez and I were up there picking away at South View Court the other day whether or not that road was in fact built to specification."

Unidentified Man in Audience: "From my understanding of the Town's Highway specifications that road appears to me with respect to materials and everything to meet the Town specifications. They require a four inch concrete surface which is at least four inches according to my tape measure. The Highway Superintendent would have no way of knowing that situation unless he viewed the actual construction as it was taking place..."

Mr. Fritsch: "May I just say, not getting into a debate point whether the road was built to specifications or not is a moot question. If the road was not built to specification the bond should not have been released. At the time of the bond being released we have to assume that the road was built to specifications and the Town

PERSONAL APPEARANCES - continued

was relieving the builder of the responsibility by giving them his bond back so, therefore, they should have been assuming the responsibility to maintain the roads."

Unidentified Man in Audience: "Maybe the Town specifications are deficient and that is not a purchaser's problem of the Town specifications."

Supervisor Smith: "All right. This subdivision dates back to Mr. Haugaard's tenure as Town Attorney and it's been around for a long time,"

Mr. Fritsch: "Basically, Mr. Smith the point I've just been trying to make is that the development was built to specifications, the bond was released and I believe the Town now should assume the responsibility of maintaining it."

Supervisor Smith: "We may in conjunctive with that. If, in fact, the road was not properly installed with reference to subservice compaction, sue if the corporation or individual still exists. A bond stands in lieu of suing the man, the cause of action may still exist although the security does not."

Mr. Fritsch: "But I think this point now comes between the Town and the corporation rather than the residents and the corporation."

Supervisor Smith: "I'm suggesting to you, Sir, that maybe that that would be in order."

Mr. Fritsch: "I think in the meantime some temporary repair should be made."

Councilman Young: "I was on the Town Board when the thing started and I guess I'm the only one that has been all through the whole mess. And I think it was a problem with the Highway Department, Alex wouldn't accept them because he didn't feel they were up to specifications and the bond got released by the Board and so I guess the buck stops here with the Board."

Mr. Fritsch: "Ok. I would like to read you one statement here. This is a letter from Mr. Horton and it was an answer to the letter requesting exactly why the roads had not been accepted. "Dated, November 9, 1976. You are asking me to inspect them and I will tell you what is wrong. This would be a waste of time as the Town Board and the Planning Board do not recognize my suggestions." That was the reply we got to what was wrong with the roads."

PERSONAL APPEARANCES - continued

Councilman Young: "Well I feel right now the buck stopped here and I'm willing to take them over as the Town Board responsibility..."

Supervisor Smith: "We will - I think the consensus is to pass a resolution directing as best we can. The Highway Superintendent to take over the roads. Now again whether or not it will be effective..."

Mr. Fritsch: "I think it's definitely a step in the right direction."

Supervisor Smith: "Yes Sir. I got to keep putting your name on the record. You're Mr. Marletti?"

Mr. Marletti: "There were a couple of items that you mentioned I think perhaps may not be pertinent namely, as I understand the situation in any event Timber Park you mention Timber Park and I'm only causally familiar with the situation and since I blew out two tires in pot holes on South View Court. As I understand Timber Park was constructed prior to any subdivision requirements the Town might have had, is that correct."

Supervisor Smith: "Mr. Marletti, the reference is we will pass a resolution directing Mr. Horton to do something. Be it your road or somebody else's road we'll then get to the next hurdle."

Mr. Marletti: "I guess you can direct Mr. Horton with respect to Town Highway matters but I believe that there is probably an obligation on the part of the Town for another matter which really transcends highway matters and I think that's for the health, safety and well-being of it's residents. Now on South View Court there currently exists in my opinion to be a hazardous situation.

With the next heavy percipitation we will not have vehicle access including emergency vehicle access up to the top of the court and that I think poses a direct jeopardy to the people that reside on that Court. So what I'm suggesting is that I would speculate the Town has the authority to at least move making some temporary repairs to ensure the integrity of the road in so far as getting residence and emergency traffic up into the court regardless of what Mr. Horton may or may not feel about the adequacy of the construction."

Supervisor Smith: "I tend to concur with you."

Mr. Marletti: "As far as the adequacy of construction again I would like - I'm an engineer licensed, I'm a professional engineer licensed in the State of New York and I'm

PERSONAL APPEARANCES - continued

somewhat familiar with pavement construction. Again as I understand the Town Highway specifications and based on my visual observations it seems to me that those roads were, indeed, constructed in accordance with the material requirements of the Town specification.

I know Mr. Horton mentioned to me on the phone on several occasions that in his opinion the subdivider had buried or disposed of large trees in the bed of what is now South View Court. I would take issue with that because by virtue of the fact that that whole road based on the grading plan that I've seen was in a section, namely, they had to remove material out of there. Unless he purposely dug a hole to get rid of certain trees which I suspect he got rid of most of those trees on the front of my lawn some place where most of the fill is in that community. I doubt very much that the sub-basin so far as his wasting or disposing of objectional materials are concerned that that was actually done by a subdivider. I would be very very interested as that is the technical basis for not accepting our travel way - as a dedicated public highway..."

Supervisor Smith: "Maybe one or more members of the Board will in a few moments, when we get a chance to draft it out offer such a resolution if they get passed, if it does, then we move into square two, unless Mr. Horton's counsel would like to get into this."

Mr. Marletti: "But I do emphatically state that I believe there's a hazardous and a potentially hazardous condition that exists over there and I think it's encumbered upon the Town to take some action."

Councilwoman Tomlinson: "Mr. Marletti would you kindly tell us the name of your developer? I live in the development that probably Mr. Fritsch was referring to which is Little Woods and presume that my roads were built according to Town specifications also. My roads are not caving in."

Mr. Marletti: "I don't presume. I see the pavement cross section. I know the highway specifications so with a tape measure..."

Councilwoman Tomlinson: "Then why are yours caving in and mine aren't?"

Mr. Marletti: "I think I know why there's no way that anybody could have judged on whether or not it was compacted enough by looking at the surface of the pavement. In other words, unless the Highway Department provided some sort of

PERSONAL APPEARANCES - continued

supervision during construction then - they did not inspect the pavement being installed during construction then they would have no way of knowing by merely viewing the surface whether or not that sub-base was constructed according to standards. Certainly when I moved up there it wasn't anywhere near us. I moved there in 1973. That's also a remedy that the Town could use in so far as making sure that the roads are built to standards."

Councilwoman Tomlinson: "Mrs. White weren't your roads caving in for quite some time - right in front of your house?"

Mr. Marletti: "(inaudible)."

Supervisor Smith: "If we're going to continue the dialogue, we're going to have to get somebody to microphone him or none of this is going to show."

Let me say if I might, Mr. Marletti was trying to explain to Mrs. Tomlinson for the purposes of filling in that gap on the record. The distinction about compactions and the engineering portions of the testimony you previously gave."

Catherine White, High View Drive; "High View Drive has developed a hole for approximately two to three years. I was on the road prior to pavement being laid. Mine was the first house up there, first house occupied. I had temporary access in. I know there were no trees buried in any of the roads. They were all buried in the so-called playground which is a big open field. The roads did get rolled down prior to any asphalt being laid. My road was laid approximately six months to a year prior to South View. They did not lay my road till I was in about six months. The land was changed and it was rolled, but it did not really start caving in until it's a little over two years and right now I must say one thing the Town has been very generous in giving me access out of my driveway so I could make the meeting tonight. It's the only way I got out."

Supervisor Smith: "Now if I may I would point out to those of you that bring up the subdivision rigs kind of thing we have recently had a hearing on amendments to the zoning ordinance. One of the things that we have done is considered making the subdivision regulations an ordinance of the Town of Riverhead which can thereby be enforced by the building inspectors when, as and if a subdivider does not comply. This is something new."

The other thing that we've been giving consideration to is the requirement of certain posting of fees per lot for engineering consultants on any subdivision of this sort. So we do not have those matters under consideration, give me a break I want to sign this option."

PERSONAL APPEARANCES - continued

Joe Baire, South View Court; "I just would like to make several observations for the purpose of the Board. For your information #1 there are ten (10) homes on South View Court and within the audience tonight we have one or more members from everyone of those homes here and I'm sure we all recognize that the Town Board from what you said Mr. Smith wants to take some action this evening.

A couple of things you should be aware of and that's Monday all the residents of South View Court received a telephone call from the School District informing us the School Bus Service had stopped on the street. Our children now walk an extra block and those that are higher than us in High View and Tide Court have to walk a little further for the buses. The reason for that obviously was because they felt that the road was unsafe and didn't want the buses to go up in that area.

Now it could cause a further problem and I'm not sure of what could happen later on but I know our school district does have a regulation regarding that school buses cannot back up. And that's the reason they went up South View Court because the cul de sac is large enough for the bus to make a U-turn and come down. I don't know what the policy is now because I'm not sure whether they have to go down and back-up or what has to be done, but it's very possible that they may have to move that particular stop even further. We've had indications from several fuel companies that if something isn't done with the road that fuel deliveries will stop.

The same thing certainly applies to the garbage collection and other services which we begin to realize that our road provides us. We also have underground utilities which could be washed away, we could have shortages, power rises, etc. I just bring this out for your information. If you're interested we have a grading plan here to show what the existing grade was and what the final grade was on the road. We could show you that everything was cut. The entire road was a cut excavation."

Supervisor Smith: "That makes academic this discussion of burying trees."

Joe Baire: "I don't think they could have buried it. If you look at the existing grade and what the final grade..."

Supervisor Smith: "As Dr. Menendez and I dug in that hole the other day it did not appear that there were any trees in the bottom of it."

PERSONAL APPEARANCES - continued

Joe Baire: "Unless they were washed away already."

Supervisor Smith: "I doubt it. If they were the cause I think there would be some evidence of them there."

Joe Baire: "I would just like to say perhaps the action the Town Board may take perhaps be long term, in that you might consider suing the builder, the Tide Woods builder, Calace, Fitzgerald, if the corporation is still in existence. If there was a class action suit or something like that I'm sure the people in the block would be glad to join in if that were legally possible with the Town in voicing that agreement."

However, there is a short-term problem is a factor - really if you get to see the road and we do have pictures if you'd like to see them later on we could leave them with you - some polaroid shots. If we get a good rain storm we will not have an access to that road. So on the long-term, I think the major improvement has to be made but the short-term we do need some sort of a temporary access or some temporary passing so in your deliberation on your resolution or whatever you'd like to do we would appreciate if you would consider that aspect too."

Supervisor Smith: "Would you show Mr. DeLucca the drawings so that unless Jim hasn't seen them already."

Gordon Danby, Wading River; "I did not come here for this purpose but I would like to give the Board moral support in solving this problem because these people obviously are not at fault for this situation. I think we all have to take our lumps and learn for the future. They didn't cause this mess and I think it should be rectified."

William Haugaard, Esq., Overhill Road, Wading River; "Like Mr. Danby, Mr. Supervisor I did not come down to this meeting - I didn't know that this was going to come up. I jsut wanted to say because my name was mentioned here a couple of times that and I'm sure you'll agree Allen that I have - I think we all agree that the problem at Tidewoods is unique that it has nothing at all to do with the suit that I have about Timber Park that for years I have been advocating and badgering, the Board to accept the roads in Tidewoods for the very reasons we have in coming out now. And the only relation between Tidewoods and Timber Park was an emotional one with me."

It was the fact that I had just received a letter from Mr. Horton in which he said he would never accept any road that did not meet any Town specifications and seven days later the Town Board did exactly that. I wonder if we have some legal problem as to the authority or power of this Board, to order Mr. Horton to layout a highway, but I'm not as you suggested going to sue you about that in the matter of Tidewoods."

PERSONAL APPEARANCES - continued

Supervisor Smith: "Thank you Bill. That's one obstacle out of the way. Does anyone else wish to speak on this particular item?"

Supervisor Smith; "We would - Mr. Danowski is going to make copies of one other resolution which I can work off of and I'll phrase something which will be found acceptable by the present audience. While he's doing that we will revert to that portion of the agenda where we will listen to anyone wishing to address the Town Board with reference to any particular matter. I ask please that you observe the rules that I annunciated before with reference to using the microphone. Anyone wishing to address the Board at this time?"

Dr. Alfred Smith: "I just want to say that I haven't seen any activity down at the Sound. The other day there was a bulldozer down there, it looked pretty good, but I don't know what he was doing there exactly."

Supervisor Smith: "Doc, you got me on that one. Mike Mayo or Stan Grodski - I had given them instructions to call that guy Daley and as far as I know, they've been doing it."

Dr. Alfred Smith: "They're out with Horton."

Supervisor Smith: "Anyone else."

John Ottaviano, High View Drive; "Now I came late, could you tell me exactly where Mr. Horton is applying for this Open Development area. Is this in the Beverly Hills section?"

Supervisor Smith: "As you go out behind your house and look up the hill through the playground you're looking at it."

John Ottaviano: "Oh that one section there that..."

Supervisor Smith: "Mr. Tooker has a map right there and he'll show you exactly,"

John Ottaviano: "In one map I looked at, I do not know the date, but I think now I'm not 100% sure of where Mr. Horton would like to build but there was at one time a proposed sump and I think it's the same place where he wants to build now. Now as you know Mr. Smith and Mrs. Tomlinson you've been to my house and you've seen the tremendous amount of water that has come down, the erosion caused by the fact that this area of Beverly Hills does not have any drainage whatsoever except for the Tidewoods Park

PERSONAL APPEARANCES - continued

and playground area and eventually goes into my back yard and you've seen the trench dug around my house. You also know that I have flood insurance, you also know my house has actually flooded before. In heavy, heavy rain my backyard completely fills up and I think anything else added to this now would only make the problem that much worse. And I would like to know what happened to the proposed sump that was on an original drawing."

Supervisor Smith: "All right we'll look for that and see if we can locate..."

John Ottaviano: "I have a copy at home where it does and a proposed sump..."

Supervisor Smith: "We'd be very interested in seeing that. Anyone else on any other matter."

Bert Rhodes, Wading River; "Last Tuesday on April 12th, Mr. Robert Reed of Shoreham - I think he's a President of the Shorewood Water Co. approached the Shoreham - Wading River School Board for support in his project to extend the Water Mains into the Wading River area. He asked us for support particularly with the extension of his water main down Benjamin Street to the Wading River School. The Board did pass a resolution in support of the Water Main coming to the school but the resolution specifically implied support as to the Water hydrant that would be available to the school and the future connection to the water main to the school itself.

The resolution in no way supported it in any other manner. We did not look into the environmental impact of the extension of the Water District, We did not look into it as far as the effect on the community, the association with any zoning that may exist. It was strictly the benefit to the Wading River Elementary School and I would like the Town Board to understand that. The other factors when Mr. Reed approaches the Board for I guess a franchise to come into the Town you would have to consider that we did not."

Gordon Danby, Wading River; "Because this matter has come up I would like to urge the Town Board not to act on this proposition. The whole subject of water is the most profound zoning question on Long Island. We get all our water as we all know from the sky, there is no question in which public policy must come and not reacting to somebody's proposal. How worthy it may be, I don't know. But the point is if newspaper reports are correct the gentlemen who's going to build the Shopping Center at this late date is applying pressure that he must have this water.

PERSONAL APPEARANCES - continued

I wouldn't react to pressure like that. In fact it makes me more suspicious of the whole arrangement. Water systems are very highly regulated with all sorts of subtle inter-actions.

A year or two ago we had in our community a very interesting lecture from the gentlemen from the Suffolk County Water Authority in which he described the situation on the west end of the Island where now the wells are on the bottom layer. I think it's a rarity it's right above bedrock, they can't go any further. Pollution goes slowly, water systems without sewers simply put the day off for the next generation.

Now that's not to say I'm opposed to either or both perhaps much of Eastern Long Island should be done this way. But if there's any area of our activities in which planning must come first and simply reacting to somebody's application, I believe it's in this area because otherwise we're all wasting your time worrying about our future because we can't do without water. We might do without a few other things once in a while."

Supervisor Smith: "Mr. Haugaard is presenting on behalf of Mr. Reed this evening an application which is not on the agenda for our consideration and if we can ever get down to it we'll pick it up and decide whether or not we will vote on a proposed hearing for Mr. Reed or the Corporate name Sherwood Water Corporation."

William Haugaard, Esq., Shorewood: "Since you have gotten to the matter that I did come here for I might as well speak on it. As the lawyer for the Shorewood Water Corp., in this application I would like to know if Mr. Danby is objecting to your holding a hearing. I think that's exactly what he wants and as far as it goes tonight any action that might be taken by the Board, would only be for the purpose of calling a public hearing at which all of the questions that he raised would be discussed."

Supervisor Smith: "Bill we don't have a notice attached to this thing, right, that you handed up..."

Mr. Haugaard: "A notice?"

Supervisor Smith: "Please take notice a public hearing will be held."

William Haugaard: "I have a proposed resolution."

Supervisor Smith: "I've got the resolution here but among other things - Let's not debate it at this point. Let's pick that up in the resolution, no sense holding these people up."

PERSONAL APPEARANCES - continued

Gordon Danby: "Since my name was mentioned, I'm not opposed to hearings or anything but my point was this gets to the core of planning and I don't think a hearing on somebody's obviously self-motivated matter how worthy an issue should suddenly force a panic on this. This Town should plan it's long-term water resources and I'm in favor of private enterprise. If this firm or some other firm can run that much more efficiently fine, but it is not an ordinary business. Water firms don't go broke. That's obvious. They're here forever and I don't think that I'm not opposed to a hearing, Bill. This is not a matter to be handled in an hour. That's my point."

Supervisor Smith: "If we may Gordon, we meet Thursday night with our Joint Board meeting, let's add it to the agenda."

COMMUNICATIONS

Town Planning Board, 5 communications, dated 4/11/77, submitting recommendations and report are the following matters:

1. Special Permit application of Everett Enstine - revised plan to operate a fuel oil depot - Middle Country Road, Calverton. Recommending that the Special Permit be approved.
2. Special Permit application of Arthur and Therese Southworth to erect a residential building on land located at Wading River Manorville Road. Recommending that the Special Permit be approved.
3. Special Permit application of Betty Edwards for a Special exception of the Zoning Ordinance regarding premises located at East Main Street, Riverhead. Recommending that this petition be denied.
4. Application of Maloru Universal Inc., for a Zoning Change from Agr. A Dist. to Bus. A. District on land located at Doctor's Path. Recommending that the application be denied.
5. Roanoke Shopping Plaza - Recommending that the Town Board effectuate the necessary changes in section 101-7 of the Code that would effectively designate the driveway of the Shopping Plaza located on Roanoke Avenue to be a one-way thoroughfare only with an exit at its Roanoke Avenue Terminus and that such driveway be prominently marked with an "Exit Only" sign, and that a suitable sign be erected on Roanoke Avenue at the proper location prohibiting a left turn into said driveway. Filed.

Supervisor Smith: "Jim DeLucca get me the Planning Board files on Tidewoods. There's three of them."

COMMUNICATIONS - continued

Riverhead Post No. 273, American Legion - Extending invitation to Town Board to participate in the Memorial Day Parade on May 30, 1977. Marching units to form on Osborne, at the rear of the Pulaski Street School at 10:00 A.M. Filed.

Town Board accepts and will attend in a body.

Town of Brookhaven, dated 4/15/77. Relating to Public Hearing for May 3, 1977 at 11:15 A.M. on the matter of proposed amendment to Building Zone Ordinance Code. Filed.

Walter J. Karl, West Lane, Aquebogue, dated 4/15/77, stating he was impressed by the presentations by Northville Industries of the proposed expansion to facilities, and the endorsements and opposition and cautions that the people living along Penny's Land Road, Sound Avenue be given consideration. Also that a similar situation exists on West Lane, Aquebogue namely, Photo Circuits. He points out that people working in these facilities go home to a nice quiet clean environment, while the people living in the vicinity of these facilities are treated to a different type of environment. Filed.

Supervisor Smith called a five minute recess after which the Meeting resumed.

RESOLUTIONS

Unidentified man in audience: "Does the Town have the authority to declare in essence what I recall a State emergency condition to exist some place in the Town? (The rest was inaudible)."

Supervisor Smith: "Trust us just a bit. Let us without formalizing in a resolution or something, let those of us who are here day in and day out see what we can do tomorrow morning about fixing that situation."

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the bid for Parking Meter Mechanism Units be and is hereby awarded to Duncan Industries 8325 Ohio River Blvd., Pittsburgh, Pa., 15202 for the Alternate bid in the amount of \$4,500.00, and

FURTHER RESOLVED, That the acceptance of this bid be subject to the bid specification form filed in the Office of the Town Clerk.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was there upon declared duly adopted.

RESOLUTIONS - continued

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the bid for One (1) New 1977 One-half Ton Pickup Truck for the Highway Department be and is hereby awarded to J. J. Hart's Riverhead Ford, Inc., Route 58 and Osborne Avenue, Riverhead, New York, 11901 for the net delivered price of \$2574.00 for One Ford Model F100, and

FURTHER RESOLVED, That the acceptance of the bid is subject to the specification form filed in the Office of the Town Clerk.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the bid for Two (2) New 1977 Three-Quarter Ton Pickup Trucks for use of the Highway Department be and is hereby awarded to J. J. Hart's Riverhead Ford, Inc., Route 58 and Osborne Avenue, Riverhead, New York 11901, for Two (2) Ford Model F250 44, for the net delivered price of \$5,399.00, and

FURTHER RESOLVED, That the acceptance of this Bid is subject to the Bid specification form filed in the Office of the Town Clerk.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

RESOLVED, That Supervisor Allen Smith and John Hansen, Town Accountant, be and are hereby authorized to attend the 1977 County Finance School to be held at Syracuse, New York on May 2 - 4, 1977, and further

RESOLVED, That all expenses incurred therein be paid by the Town of Riverhead.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

WHEREAS, The members of the Polish Town Civic Association wish to hold a third annual "Street Fair" in the area of Pulaski Street, and

WHEREAS, This Town Board encourages civic participation of the residents of the township, and

RESOLUTIONS - continued

WHEREAS, The Police Department and Fire Department have been advised by letter of the plans and arrangements of the "Street Fair", and

WHEREAS, Obstructions will not be permitted in the street for the passage of emergency vehicles, if necessary

NOW THERE, BE IT RESOLVED, That this Town Board grant permission that Pulaski Street be closed to vehicular traffic from Marcy Avenue to Osborne Avenue; and also the lengths of:

Hamilton Avenue from the firehouse south to Lincoln Street; Sweezy Avenue from St. Isidore's parking lot south to Lincoln Street; and Lincoln Street from Sweezy Avenue to Osborne Avenue:
during the hours of 10:00 A.M. to 8: P.M. for the purpose of a community "Street Fair".

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

WHEREAS, The recommendations by "Visions, Inc." include a "time clock" for the area of Riverhead known as "Polish Town", and

WHEREAS, The property at the corner of Pulaski Street and Sweezy Avenue has been determined to be the best site for a clock to serve the public, and

WHEREAS, The necessary specifications and survey plans have been submitted.

NOW THEREFORE, BE IT RESOLVED, That this Town Board grant permission that a clock, 10 feet tall, 2 feet by 2 feet, be permitted to be installed on the property of Albert Barbanel, at the corner of Pulaski Street and Sweezy Avenue.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The recommendations by "Visions, Inc." include entrance arches to the commercial area of Pulaski Street, and

WHEREAS, The members of the Polish Town Civic Association wish to utilize all recommendations that result in beautification and enhancement of the area, and

WHEREAS, The necessary specifications and engineering reports will be subject to the approval by the proper authority,

NOW THEREFORE, BE IT RESOLVED, That this Town Board grant permission that arches be permitted to be installed in two

RESOLUTIONS - continued

places across Pulaski Street; the eastern arch at the intersection of Pulaski Street and Osborne Avenue, and the western arch at the intersection of Pulaski Street and Marcy Avenue.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Town Board has heretofore authorized the implementation of the Townscape Program by directing the Supervisor to file an application with the Bureau of Outdoor Recreation for development along the Peconic River,

NOW, THEREFORE, be it

RESOLVED, That the Supervisor be, and he hereby is, authorized to execute the necessary form and file said application.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following Police Officers be paid recall and or Court pay from March 1, 1977 to and including March 31, 1977 as per P.B.A. Contract:

1.	H. Boden	3-01-77	4 hrs.	\$49.44	
		3-19-77	4 hrs.	49.44	
		3-26-77	4 hrs.	<u>49.44</u>	\$148.32
2.	J. Dunleavy	3-07-77	4 hrs.		44.46
3.	T. Dorfer	3-16-77	4 hrs.		44.46
4.	A. Grossman	3-06-77	4 hrs.	44.66	
		3-16-77	4 hrs.	44.66	
		3-30-77	4 hrs.	<u>44.66</u>	133.98
5.	W. Palmer	3-05-77	5-3/4 hrs.	72.14	
		3-14-77	4 hrs.	50.10	
		3-30-77	4 hrs.	<u>50.10</u>	172.34
6.	J. Pleickhardt	3-07-77	4 hrs.		42.18
7.	A. Summerville	3-21-77	4 hrs.	50.10	
		3-24-77	4 hrs.	<u>50.10</u>	100.00

RESOLUTIONS - continued

8.	R. Underwood	3-05-77	5 hrs.		<u>69.23</u>
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				TOTAL	\$755.17
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The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

BE IT RESOLVED, That the following Police Officers be paid overtime from March 1, 1977 to and including March 31, 1977 as per P. B. A. Contract at time and one-half their regular salary.

1.	D. Cheshire	3-12-77	38 min.		\$ 4.67
2.	J. Dunleavy	3-03-77	1 hr. 15 min.	\$13.89	
		3-18-77	30 min.	5.56	
		3-26-77	1 hr. 30 min.	<u>16.67</u>	36.12
3.	A. Grossman	3-10-77	3 hrs.		33.35
4.	V. Michalski	3-06-77	30 min.		5.56
5.	P. Paasch	3-16-77	1 hr. 30 min.		16.67
6.	E. Sadowski	3-21-77	1 hr. 15 min.		14.65
7.	P. Troyan	3-03-77	1 hr. 15 min.		13.89
8.	K. Woods	3-01-77	3 hrs.		<u>45.70</u>

				TOTAL	\$170.61
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The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

RESOLVED, That the Town Clerk be and is hereby authorized to advertise for sealed bids for the Ten (10) CPR Demand Valve/Manual inflator Portable Resuscitator Assemblies for use of the Riverhead Town Police Department, and be it

RESOLVED, That the Town Clerk of the Town of Riverhead be and hereby is designated to open publicly and read aloud on Monday, May 16, 1977, at 11:00 A.M., at the Town Clerk's Office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation "Bid on Portable Resuscitator Assemblies".

RESOLUTIONS - continued

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Arthur and Therese Southworth did submit an application to erect a residential building in a Industrial A Zoning Use District on land located at Wading River Manorville Road, Wading River, New York, and

WHEREAS, There are residences near and adjacent to this property in the Industrial A Zoning Use District, and

WHEREAS, The Town Planning Board under date of April 11, 1977 had approved the submitted plan,

NOW, THEREFORE, BE IT RESOLVED, That the Town Clerk is hereby directed to publish a Public Notice, calling for a Public Hearing on the aforementioned application for a Special Permit as follows:

NOTICE OF A PUBLIC HEARING

PLEASE TAKE NOTICE, That a Public Hearing will be held at the Town Hall, Town of Riverhead, 200 Howell Avenue, Riverhead, New York, on the 17th day of May, 1977, at 8:00 o'clock in the evening of that day, to consider the application of Arthur and Therese Southworth for a Special Permit to erect a residential building in a Industrial A Zoning Use District on land located at Wading River Manorville Road, Wading River, New York.

All persons wishing to be heard on the aforementioned application for a Special Permit should appear at the time and place specified.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Senate Bill No. 131, entitled "An Act to Amend the Volunteer Firemen's Benefit Law, in Relation to Death or Disability Benefits", has been introduced in the State Legislature, and

WHEREAS, The passage of this legislation would benefit and protect the citizens of the Town of Riverhead, and

WHEREAS, Riverhead's volunteer firemen and their families were deserving of such protection, and

WHEREAS, The passage of such legislation would provide for death benefits to volunteer firemen who suffer a heart attack or heart failure, and

RESOLUTIONS - continued

WHEREAS, The Town of Riverhead believes such legislation is needed,

NOW, THEREFORE, be it

RESOLVED, That the Town Board of the Town of Riverhead supports the proposed amendment and that the Town Board contact the State Legislature and seek the passage of a proposed amendment which would extend benefits to volunteer firemen who suffer heart attacks or heart failure during or after acting in their capacity as firemen.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Board has conducted negotiations on the leasing of certain lands of Friszolowski on the eastside of Peconic Avenue, the leasing of certain lands of the United Methodist Church of Riverhead between East Avenue and Maple Street, and the letting of certain space within the Corwin and Benjamin Houses,

NOW, THEREFORE, be it

RESOLVED, That the Town Supervisor be, and he hereby is, authorized to execute a lease with Mrs. Wilhermine Friszolowski for a period of Two (2) years, at an annual rental equal to the tax bill on said premises, with an option to purchase at a price of Thirteen thousand and 00/100 (\$13,000.00) Dollars, at the termination of the two-year lease with the United Methodist Church for a period of ten (10) years, the rental to be the demolition of the house situate on said premises and the paving and maintenance of said premises for the term of the lease; and with the East End Arts and Humanities Council, the Children's Institute, and another for varying periods and terms for the occupancy of portions of the Corwin and Benjamin Houses.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and before voting Supervisor Smith made the following statement: "I'm going to vote, Yes, for so much of the resolution as applies to matters other than those relating to the United Methodist Church of which I am a Trustee. Yes, I abstain on that portion."

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Suffolk County Department of Civil Service has classified a Duty Statement in the Supervisor's Office as Confidential Secretary to the Town Supervisor,

RESOLUTIONS - continued

an exempt position,

NOW, THEREFORE, be it

RESOLVED, That Margaret Joan O'Hara be, and she hereby is, appointed to the position of Confidential Secretary to the Town Supervisor at an annual wage of \$9,084.24 as set forth in Group 8, Step 1, in the Salary Administration Schedule, as amended by resolution of the Town Board, dated April 19, 1977, and that the position of Legal Stenographer in the Town Attorney's Office be thereby declared vacant.

Before the vote Supervisor Smith made the following statement: "Before we call the roll Miss Block, I would explain to the people present that Mrs. O'Hara has been shared by Mr. Danowski and I for some period of time now and she is a very lovely lady sitting on your left, my right in the second row. She is tied to my apron strings, when you turn me out you turn out Mrs. O'Hara also."

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

WHEREAS, A standing resolution authorizing the Supervisor to attend conferences, meetings, and other functions on behalf of the Town of Riverhead is in order,

NOW, THEREFORE, be it

RESOLVED, That the Supervisor be, and he hereby is, authorized to attend meetings, conferences, and the like on behalf of the Town of Riverhead, and that his necessary expenses attending such meetings shall be reimbursed by the Town of Riverhead.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, Rita Peters has been selected by the United States Department of Agriculture for participation in the National Rural Development Leaders School, to be held April 24 through April 30, 1977,

NOW, THEREFORE, be it

RESOLVED, That the Supervisor be, and hereby is, authorized to issue checks to Miss Peters to cover the cost of registration at the aforesaid meeting, and that Miss Peters is further authorized to expend such moneys necessary for her attendance at said conference, not to exceed Two

RESOLUTIONS - continued

hundred Fifty and 00/100 (\$250.00) Dollars.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Town Board and the Riverhead Unit of the Civil Service Employees Association have conducted further negotiations with reference to a contract for the years 1977 and 1978, and

WHEREAS, Said negotiations were limited to the salary issue alone,

NOW, THEREFORE, be it

RESOLVED, That the Town Supervisor be, and he hereby is, authorized to execute the attached memorandum of agreement with the President of the Riverhead Chapter of the Civil Service Employees Association.

Before roll call vote Supervisor Smith made the following statement: "What it means is a settlement in the year 1977 that equates in dollars the settlement figure recommended by the fact finder and a cost of living - escalator clause from 3% to 5% - exclusive of an advance in step. So you're talking about a settlement between 4% and 6% in 1978."

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

WHEREAS, This Town Board, as a participant in the Community Development Act of 1974, has set aside certain moneys in Year II of said program for the prosecution of certain code violations, and

WHEREAS, This Board has been advised that said sums can be used in preparation for the actual taking of the structures on the Southwest corner of the intersection of Route 25 and Riverside Drive, and

WHEREAS, This Board's program for Year III has been accepted by the County of Suffolk and includes therein a fund for the actual payment of condemnation costs,

NOW, THEREFORE, be it

RESOLVED, That this Board hereby directs the Town Attorney to begin the process of condemnation of said structures, pursuant to the Suffolk County Improvement Act, and be it

FURTHER RESOLVED, That the firm of Young & Young is hereby retained to prepare the taking map for said

RESOLUTIONS - continued

condemnation, that the Town Attorney be, and he hereby is, authorized to order a title report for such purposes, that Gerard D. Snover of Babylon, New York, and John Breslin of Huntington, New York, be, and they hereby are, retained to prepare appraisals for said condemnation, and that George J. Dippell Associates, are hereby retained to prepare an engineering report with reference to said structures in contemplation of the within-named proceeding.

Before roll call vote Supervisor Smith stated as follows: "Commonly known as the Raspberry Hilton."

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, James DeLuca has prepared plans and specifications for the renovation of the Riverhead Police Department station on West Main Street, in conjunction with Chief of Police Roscoe Palmer, and

WHEREAS, The firm of Young & Young has completed drawings, specifications, and other documents in conjunction with the Town Attorney, for the construction of a sump on Sound Avenue and the construction of a recreation area at Stotsky Park, and

WHEREAS, This Board is advised by the Recreation Department that repaving of several of the parking areas under the jurisdiction of the Recreation Department is now in order, and

WHEREAS, This Board finds that fencing of some of the existing recharge basins has become a high priority in our drainage plan, and further finds that the pricing of the installation of said fence on a lineal foot basis would be the most economic,

NOW, THEREFORE, be it

RESOLVED, That the Town Clerk, in conjunction with the Town Attorney and the above-named heads of departments or consultants, be, and she hereby is, authorized to publish, post and open bids for the renovation of the Riverhead Police Station, the construction of sump on Sound Avenue, the construction of the recreation area in Stotsky Park, the repaving of Recreation Department parking areas, and chainlink fence for the drainage areas within the Town of Riverhead.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, The Landmarks' Preservation Commission, by several different letters, has acted pursuant to the provisions of Section 73-8 of the Code of the Town of Riverhead, designating the Don Swahn Building on East Main Street, the Crafts Building on Roanoke Avenue, and the Cobbler's Shop on Roanoke Avenue as sites for consideration by the Town Board as historic landmarks,

NOW, THEREFORE, be it

RESOLVED, That a hearing be called, pursuant to the provisions of Section 73-8 and Section 73-7 to determine whether or not said properties shall be so designated, and the Town Clerk is hereby authorized to publish and post the annexed notice of Public Hearing.

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE That, pursuant to the provisions of Chapter 73 of the Code of the Town of Riverhead, Landmarks' Preservation, a hearing will be held before the Town Board of the Town of Riverhead on the 17th day of May, 1977, at 8:15 o'clock in the afternoon, at the Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all those persons interested in addressing the Town Board with reference to the proposed designation of certain structures on East Main Street and Roanoke Avenue as historic landmarks. Said structures are commonly known as the Don Swahn Insurance Building, the Crafts Shop and the Cobbler's Shop.

All persons wishing to be heard on said matter should appear at the above time and place and they will be heard.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, Joy Kirschenbaum has resigned from the Riverhead Recreation Committee, effective April 10, 1977

NOW, THEREFORE, be it

RESOLVED, That Jane Mohring, of Little Bay, Wading River, New York, be appointed to fill the vacancy on the Riverhead Recreation Committee, effective April 19, 1977, and to serve at the pleasure of the Town Board at no compensation.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

After roll call vote Supervisor stated: "I would take this opportunity in attendance to the Recreation meetings I found Miss Kirschenbaum to be an effective representative of her community and we publicly thank her for her service

RESOLUTIONS - continued

today on that committee and we hoped after she finished her schooling she could come back and participate again in some ordinary capacity."

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, The total cost of publication of town ordinances and other official notices have continued to rise, and

WHEREAS, This Town Board has continued to look for ways to keep town expenditures to a minimum, and

WHEREAS, unless a town, by local, provides for summary publication of ordinances, a town must, according to town law, publish the full text of town ordinances, zoning ordinances, after their adoption,

NOW, THEREFORE, be it

RESOLVED, That the Town Clerk is hereby authorized to publish and post the annexed public notice, calling for a public hearing with reference to a proposed local law.

PUBLIC HEARING

PLEASE TAKE NOTICE, That on May 17, 1977 at 8:30 P.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York, the Town Board of the Town of Riverhead will hear all interested persons, with reference to the following proposed Local Law No. 3 of 1977 of the Town of Riverhead:

"LOCAL LAW NO. 3 - 1977

"TOWN OF RIVERHEAD, N.Y.

"A local law providing for the publication of a notice and brief description of ordinances of the Town of Riverhead.

"Be it enacted by the Town Board of the Town of Riverhead, as follows:

"Section 1. Every ordinance and every amendment or supplement to an ordinance hereafter adopted or approved by the Town Board of the Town of Riverhead which is or may be required to be published in one or more newspapers in order to make such ordinance, amendment or supplement effectual shall not be so published in full, but it shall be sufficient to publish in each newspaper or newspapers a notice setting forth the title thereof, a brief description of the provisions thereof and a statement that the full text thereof is on file and may be inspected in the Office of the Town Clerk.

"Section 2. This local law shall supersede in their application to the Town of Riverhead, the provisions of Sections 133.264 and 265 of the Town Law relating to publication only of an ordinance, amendment or a supplement to an ordinance adopted or approved by the Town Board.

RESOLUTIONS - continued

"Section 3. This local law shall be subject to referendum on petition pursuant to Section 24 of the municipal home rule law and shall take effect immediately upon filing in the Office of the Secretary of State in accordance with Section 27 of such Law."

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Lombardi offered the following resolution which was seconded by Councilwoman Tomlinson.

WHEREAS, The Town Board had considered the recommendation of the Riverhead Town Planning Board, under date of April 11, 1977 and filed in the Office of the Town Clerk.

NOW, THEREFORE, be it

RESOLVED, That the application of Maloru Universal, Inc., for a change in zoning classification from Agricultural A District to Business A District of land located at Doctors Path, Riverhead, New York, is hereby denied.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

WHEREAS, Northville Industries Corp. has petitioned the Town Board by a petition sworn to February 11, 1977, for a special permit to establish a non-nuisance industry on certain lands of the petitioner situate in the industrial "B" use district, and

WHEREAS, Said petition was referred to the Conservation Advisory Council whose members investigated said petition and filed a report thereon, which report and proceedings are incorporated herein by reference, and

WHEREAS, Simultaneously with said petition, the petitioners made application to the Zoning Board of Appeals for a height variance and said Board conducted hearings thereon and rendered a decision and proceedings are incorporated herein by reference, and

WHEREAS, Said petition and application were referred to the Suffolk County Planning Commission, pursuant to the provisions of the Suffolk County Charter and said commission determined said petition and application were matters for local determination, and

WHEREAS, This Board, pursuant to public notice, held a public hearing on said petition on the 5th day of April, 1977, to hear all those persons for and against said petition taking both sworn and unsworn testimony, and introducing and filing written statements and affidavits, which proceedings

RESOLUTIONS - continued

and documents are incorporated herein by reference, and WHEREAS, This Board has considered testimony and proof referred to above, has visited the location, has considered its knowledge of the area and history of the petitioner's facility, and and, therefore, makes the following findings:

FIRST: The subject parcel, more particularly bound and described as set forth in Exhibit "C" attached to the petition is in the Industrial B use district as the same is shown on the official map of the Town of Riverhead. Said lands and use district are governed by the terms and conditions of Section 108-48 of the Code of the Town of Riverhead. Said Section, to wit: Subsection B(2) permits the establishment and operation of a non-nuisance industry by special permit of this Board. The standards for said use are found in and governed by Section 108-3, Industry, Non-nuisance, and Section 108-3, Special Permit.

SECOND: The use of the aforesaid lands as proposed is in conformity with the Master Plan of the Town of Riverhead.

THIRD: The proposed facility will not differ substantially from the operation of the facilities of the petitioner as they now exist, and have existed for the past twenty-five (25) years. There will not be an appreciable change in the number of persons using the facility upon completion, so as to over-use highways, utilities, ground water or other municipally-provided or natural resources.

FOURTH: The facility, existing and proposed, requires certain precautions with reference to fire hazards. Said hazards have been addressed by the applicant by the providing of an internal fire fighting system, including pumps, piping, alarms and wet water; the training of employees to fight fires and the training and co-operation with local fire fighting agencies.

FIFTH: The proposed facilities require certain preventive measures with reference to ground water contamination in the event of a spill or break. The applicant, by a letter submitted to this Board, dated April 4, 1977, from Mueser, Rutledge, et al., has addressed said issue and offers to insulate the proposed tanks and tank pits with material so that water would not penetrate said material for a period of thirty-six (36) hours, which period would be sufficient to remove the contents of any pit area spill.

SIXTH: Except as to those matters more particularly set forth above, this Board finds that the proposed use would

RESOLUTIONS - continued

not be adverse to surrounding properties, would not create an unreasonable hazard relative to the merits of the proposed use, would not be contrary to the health, safety and order of this Town, and would promote the general purposes and intent of this Chapter.

NOW, THEREFORE, be it

RESOLVED, That the petition of Northville Industries Corp. for a Special Permit to construct and operate a Non-nuisance industry on certain lands on the south side of Sound Shore Road at Northville Be granted on the following terms and conditions:

1. That all construction plans, specifications, etc., be approved by the Building Department of the Town of Riverhead as complying with all applicable codes, rules and regulations of this or any other jurisdiction with power over the same. That the petitioner supply the Building Department with a statement, signed by an architect and an engineer, both licensed in the State of New York, attesting to the compliance as set forth in the foregoing sentence.
2. That the petitioner pay an additional fee to the Town of Riverhead, in an amount subject to the sole discretion of this Board, necessary to defray the professional fees of the Town's consulting engineers, Holzmacher, McLendon & Murrell, in conducting such inspections during the course of construction as this Board may deem necessary to determine compliance with the terms and conditions of this Special Permit:
3. All construction shall comply with the petition, dated and sworn to February 11, 1977, except as the same was modified during the public hearing thereon, April 5, 1977. Specifically, all tank and pit floor and wall areas to be constructed shall have therein or thereunder a barrier such that water would not penetrate the same for a period of thirty-six (36) hours.
4. After the construction of the dike walls and the tanks, but before the same may be filled with products, the petitioner shall re-appear before this Board with drawings showing an "as is" condition, and shall present a plan for screening said facilities in a manner consistent with the state of the art at that time and as conditions then exist. Upon approval by this Board, said plan shall be commenced or bonded before products shall be placed in these facilities.
5. Pursuant to condition No. 1 (Nos. 2 and 3 having been satisfied in the Town Board Hearing) of the Planning Board's letter, dated March 4, 1977, the applicant shall permit unannounced site inspections of its facilities by the "Enforcement Officers" of the Town of Riverhead as they are designated under the local laws and ordinances of this Town, and appointed by this Board.
6. No products, oil or other substances shall be placed in any of the subject facilities until the issuance of a Cer-

RESOLUTIONS - continued

tificate of Occupancy by the Building Department of the Town of Riverhead. Construction of the subject facilities shall be completed within three (3) years from the date of this resolution. At the expiration of said three year period this permit shall remain valid for the use and occupancy of such facilities as are completed (issued a C. O.) as of the date and shall be null and void for the construction of any facilities not completed by that date. Where a discrepancy exists between the petition, supporting documents, testimony or statements herein incorporated by reference and the provisions of this resolution shall be controlling.

The granting and interpretation of this resolution are hereby deemed a legislative act of this Town Board and no action or proceeding hereunder or hereon shall be brought without first having made application to and obtaining herefrom a resolution of decision or interpretation from the Town Board of the Town of Riverhead.

The vote, Lombardi, Yes, before voting Councilwoman Tomlinson stated: "Before I vote, I see there are some representatives from Northville here. As a special favor so you won't have to come back to us in a few years and also to help save lives, would you please ask your drivers to observe the speed limits?"

Joseph Ackell: (Spoke from the audience but was inaudible).

Miss Block: "That's not permissible now during vote taking."

Supervisor Smith: "Miss Block, I will let the gentleman have his say although I question the wisdom of it."

Jospeh Ackell : "Mr. Supervisor, I'll be as brief as possible."

Supervisor Smith: "That's right."

Joseph Ackell: "I realize the lateness of the hour. A couple of matters. One is we ..."

Supervisor Smith: "Let's simplify it, Joe, if we may. Is there anything in it that can't be handled by the exchange or correspondence as simple as an amendatory resolution or a general overview of the things, all right?"

Jospeh Ackell: "Absolutely."

Supervisor Smith: "Thank you."

The roll call vote Tomlinson Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Town Attorney in conjunction with the Office of the Building Department, be and is hereby authorized to prosecute an action in Supreme Court, Suffolk County, New York, against Rose Katz and such other persons as are tenants, occupants, or users of certain premises on the westerly side of Roanoke Avenue for violations and continuing violations of the Building Codes and Ordinances of the Town of Riverhead.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

After the vote Supervisor Smith made the following comment: "I would point out, we found out that somebody was doing substantial work without building permits this morning. We dictated the orders to show cause etc., etc., and it has been served and it has been stopped."

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the Supervisor be and is hereby authorized to execute an option for the purchase of certain lands of Henry A. Pollack for the contract sum of \$5,000, said option to be exercised within thirty (30) days from this date.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was there upon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

WHEREAS, There have been filed in the Office of the County Clerk of the County of Suffolk, three subdivision plans entitled Tidewoods, Tidewoods South and Tidewoods Builders, a subdivision off of Tide Court, and

WHEREAS, It appears from an examination of the files of the Building Department, the Planning Board and the records of the Town Board and the Town Clerk that the performance bond, heretofore posted with reference to the street improvements and drainage shown on some said subdivisions have been released, and

WHEREAS, It is the opinion of this Board that the aforesaid street improvements and drainage shown on the various subdivision maps should be accepted by the Town of Riverhead and maintained as Public Roads,

NOW, THEREFORE, BE IT

RESOLVED, That this Town Board does hereby accept the roads and drainage facilities shown on the aforesaid subdivision maps as public highways and improvements and

RESOLUTIONS - continued

further directs the Highway Superintendent to take such steps as are necessary to accept the same and maintain the same.

That the Town Attorney be and is hereby authorized and directed to begin, join in, or implead the developer of the subdivisions known as "Tidewoods", in a lawsuit to compel said developer to complete said roads in compliance with the plans and specifications of the Town of Riverhead for Highways if upon examination it is found that said roads were not in fact completed in compliance with the rules and regulations of the Town of Riverhead.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

Councilman Young offered the following resolution which was seconded by Councilman Menendez.

RESOLVED, That the bid for Liquid Asphalt for use of the Highway Department, be and is hereby awarded to R. O. Welch Asphalt Co., 1064 Woodcrest Avenue, Riverhead, New York, 11901 for Item No. 1 and Item No. 2 supplies as follows:

DISTANCE OF PLANT $\frac{1}{2}$ and $1\frac{1}{2}$ MILES FROM RIVERHEAD HIGHWAY DEPT. YARD

Item #1: Liquid asphalt cutback supplied in quantities at various locations within the Township as directed by the Superintendent of Highways.

Item #2: Liquid asphalt cutback supplied and applied with bidder distributor at various locations within the Township as directed by the Superintendent of Highways

MC-30	.3984	PER/GAL.	MC-30	.4788	PER/GAL.
MC-70	.3984	PER/GAL.	MC-70	.4788	PER/GAL.
MC-250	.3984	PER/GAL.	MC-250	.4788	PER/GAL.
MC-800	.3984	PER/GAL.	MC-800	.4788	PER/GAL.
RC-70	.3884	PER/GAL.	RC-70	.4688	PER/GAL.
RC-250	.4024	PER/GAL.	RC-250	.48	PER/GAL.
RC-800	.4024	PER/GAL.	RC-800	.48	PER/GAL.

AND FURTHER RESOLVED, That the acceptance of this bid is subject to the Specification Form filed in the Office of the Town Clerk.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes and Smith, Yes.

The resolution was thereupon declared duly adopted.

RESOLUTIONS - continued

Councilman Menendez offered the following resolution which was seconded by Councilman Young.

WHEREAS, The Town Board has considered the recommendation of the Riverhead Town Planning Board under date of April 11, 1977 and filed in the Office of the Town Clerk,

NOW, THEREFORE, be it

RESOLVED, That the application of Betty Edwards for a Special Permit for a Special Exception pursuant to Sec. 108-39-B of the Zoning Ordinance #26, Town of Riverhead, of premises located at East Main Street, Riverhead, New York, is hereby denied.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

After the vote Supervisor Smith made the following comment: "Mr. Horton's Open Development area will go to the Planning Board for its recommendation and report. Mr. Haugaard will you come up here please so these other people can leave if they are tired of seeing us do our thing and we'll deal with Mr. Reed for a moment."

The resolution was thereupon declared duly adopted.

Councilwoman Tomlinson offered the following resolution which was seconded by Councilman Lombardi.

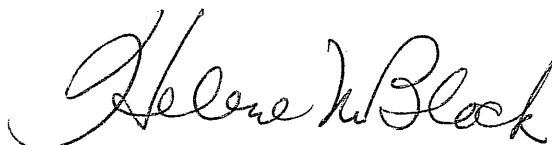
RESOLVED, That a Hearing be held on the application of the Shorewood Water Corp., for a Franchise to service certain areas in the hamlet of Wading River on the Second Friday in June, at a location to be selected on or about the hamlet of Wading River.

The vote, Lombardi, Yes, Tomlinson, Yes, Menendez, Yes, Young, Yes, and Smith, Yes.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the Meeting adjourned at 10:55 P.M. to meet May 3, 1977 at 7:30 P.M.

HMB/vlv



Helene M. Block, Town Clerk